

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
ERIC ALLAN GUFFIN (5),
Defendant.

Case No. 14cr0216-MMA-5
14cr0221-MMA-5

**PRELIMINARY ORDER OF
CRIMINAL FORFEITURE**

WHEREAS, in the Superseding Indictments and Bills of Particulars in the above-captioned cases, the United States sought forfeiture of all right, title and interest in specific properties of the above-named Defendant, ERIC ALLAN GUFFIN (5) ("Defendant"), pursuant to Title 21, United States Code, Section 853, Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), as charged in the Superseding Indictments; and

WHEREAS, on or about August 13, 2015, Defendant pleaded guilty before Magistrate Judge Karen S. Crawford to Counts 1 and 23 of the Superseding Indictment in 14cr0216-MMA, and to Count 1 of the Superseding Indictment in 14cr0221-MMA, and which guilty pleas included consents to the forfeiture allegations of the respective Superseding Indictments, specifically, "forfeiture of all property constituting and derived from proceeds obtained as a result of the violations, and all property used and intended to be used to commit and to facilitate the

1 commission of the offenses,” and “all firearms and ammunition involved in the
2 offenses,” which guilty pleas include forfeiture of the following:

1. One Lorcin .380 caliber semi-automatic handgun with Serial number 124564,

2. One Taurus Millennium Pro PT145 with serial number NXC58974, seized from the residence of Defendant Eric Allan Guffin, 4917 Ardmore Drive, San Diego, California, and

3. That real property located at 3917 Ardmore Drive, San Diego, CA 92111, and all appurtenances affixed thereto. The real property is more particularly described as:

ASSESSOR'S PARCEL NO. 420-130-21-00

LOT 405 OF VISTA MESA ANNEX UNIT NO. 5, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 4179, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 13, 1959; and

WHEREAS, on September 3, 2015, this Court accepted the guilty pleas of
Defendant in both cases; and

15 WHEREAS, by virtue of the facts set forth in the plea agreement, the
16 United States has established the requisite nexus between the forfeited properties and
17 the offenses of conviction; and

18 WHEREAS, by virtue of said guilty pleas, the United States is now entitled to
19 possession of the above-referenced properties, pursuant to 21 U.S.C. § 853, 18 U.S.C.
20 § 924(d), 28 U.S.C. § 2461(c) and Rule 32.2(b) of the Federal Rules of Criminal
21 Procedure; and

WHEREAS, pursuant to Rule 32.2(b), the United States having requested the authority to take control of the above-referenced properties which were found forfeitable by the Court; and

WHEREAS, the San Diego Police Department has custody and control of the firearms: One Lorcin .380 caliber semi-automatic handgun with Serial number 124564, and One Taurus Millennium Pro PT145 with serial number NXC58974; and

WHEREAS, the United States, having submitted the Order herein to the Defendant through his attorney of record to review, and no objections having been received;

Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

5 1. Based upon the guilty pleas of the Defendant, all right, title and interest
6 of Defendant ERIC ALLAN GUFFIN (5) in the following firearms are hereby
7 forfeited to the United States: One Lorcin .380 caliber semi-automatic handgun
8 with Serial number 124564, and One Taurus Millennium Pro PT145 with serial
9 number NXC58974, pursuant to Title 21, United States Code, Section 853, Title 18,
10 United States Code, Section 924, and Title 28, United States Code, Section 2461(c).

IT IS FURTHER ORDERED that because the firearms are in the possession of the San Diego Police Department, no ancillary proceedings are required as to these firearms and the San Diego Police Department shall dispose of them according to law.

15 2. Based upon the guilty pleas of the Defendant, all right, title and interest
16 of Defendant ERIC ALLAN GUFFIN (5) in the real property located at 3917
17 Ardmore Drive, San Diego, CA 92111, and all appurtenances affixed thereto, is
18 forfeited to the United States pursuant to Title 21, United States Code, Section 853.
19 The real property is more particularly described as:

ASSESSOR'S PARCEL NO. 420-130-21-00

21 LOT 405 OF VISTA MESA ANNEX UNIT NO. 5, IN THE CITY OF
22 SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA,
23 ACCORDING TO MAP THEREOF NO. 4179, FILED IN THE
 OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY,
 MAY 13, 1959.

24 3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized
25 to begin proceedings as to the real property consistent with any statutory
26 requirements pertaining to ancillary hearings and rights of third parties. The Court
27 shall conduct ancillary proceedings as the Court deems appropriate only upon the
28 receipt of timely third party petitions filed with the Court and served upon the

1 United States. The Court may determine any petition without the need for further
2 hearings upon the receipt of the Government's response to any petition. The Court
3 may enter an amended order without further notice to the parties.

4 4. Pursuant to the Attorney General's authority under Section 853(n)(1) of
5 Title 21, United States Code, Rule 32.2(b)(6), Fed. R. Crim. P., and Rule G(4) of the
6 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions,
7 the United States forthwith shall publish for thirty (30) consecutive days on the
8 Government's forfeiture website, www.forfeiture.gov, notice of this Order, notice of
9 the United States' intent to dispose of the real property in such manner as the
10 Attorney General may direct, and notice that any person, other than the Defendant,
11 having or claiming a legal interest in the real property must file a petition with the
12 Court within thirty (30) days of the final publication of notice or of receipt of actual
13 notice, whichever is earlier.

14 5. This notice shall state that the petition shall be for a hearing to
15 adjudicate the validity of the petitioner's alleged interest in the real property, shall be
16 signed by the petitioner under penalty of perjury, and shall set forth the nature and
17 extent of the petitioner's right, title or interest in the forfeited real property and any
18 additional facts supporting the petitioner's claim and the relief sought.

19 6. The United States may also, to the extent practicable, provide direct
20 written notice to any person known to have alleged an interest in the real property, as
21 a substitute for published notice as to those persons so notified.

22 7. Upon adjudication of all third-party interests, this Court will enter an
23 Amended Order of Criminal Forfeiture pursuant to 21 U.S.C. § 853(n) as to the
24 forfeited real property, in which all interests will be addressed.

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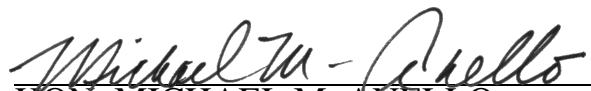
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1 8. Pursuant to Rule 32.2(b)(4), this Order of Forfeiture shall be made final
2 as to the Defendant in both Cases 14cr0216-MMA and 14cr0221-MMA at the time of
3 sentencing, and is part of the sentence and included in the judgments.

4 **IT IS SO ORDERED.**

5 DATED: November 10, 2015

6 
7 HON. MICHAEL M. ANELLO
United States District Judge

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